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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 Steven Kinford,

8 Plaintiff,

9 vs.

10 Social Security Administration,

11 Defendant.
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3:12-cv-00181-RCJ-WGC

ORDER

13 The Plaintiff filed Motion for Approval of Rehabilitation (ECF No. 35). In the motion, the
14 Plaintiff asks this Court to approve his pursuit of a college degree as a “rehabilitation program”
15 for the purposes of Social Security benefits under 42 U.S.C. § 402(x)(1). In order to receive these
16 benefits, the program must be approved by a “court of law.” The federal courts of appeals have
17 held that the phrase “court of law” does not allow for any federal district court to approve a
18 rehabilitation program, rather, they have narrowly defined the phrase to include only the
19 sentencing court. *United States v. Osborne*, 988 F.2d 47, 49 (7th Cir. 1993) (“[A] court of law’
20 must refer to the sentencing court.”); *Peeler v. Heckler*, 781 F.2d 649, 652 (8th Cir. 1986). This
21 Court agrees with the sound reasoning of these circuits.

22 The Plaintiff was convicted and sentenced by the state of Nevada; thus, the Plaintiff is in
23 the wrong forum and must seek approval from that court system. Accordingly, the Court denies
24 the Plaintiff’s motion for being in the wrong forum. The Court further notes that the Plaintiff’s

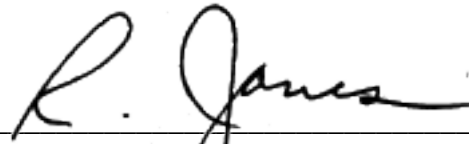
1 likelihood of getting such approval from any court is dubious as the Plaintiff seeks payment to
2 obtain a college degree as opposed to traditional notions of rehabilitation. *See Borchelt v. Apfel*,
3 25 F. Supp. 2d 1017, 1021 (E.D. Mo. 1998) (holding that the rehabilitation program must
4 ameliorate the underlying disability that entitles one to Social Security benefits).

5 **CONCLUSION**

6 IT IS HEREBY ORDERED that Plaintiff's Motion for Approval of Rehabilitation (ECF
7 No. 35) is DENIED.

8 IT IS SO ORDERED.

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10 Dated this 21st day of May, 2019.

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14 ROBERT C JONES
15 United States District Judge
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